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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,697	02/11/2004	Xiaoda Xiao		9195

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XIAODA XIAO
135 Belchertown Road
Amherst, MA 01002

EXAMINER

KHATRI, PRANAV V

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/775,697	Applicant(s) XIAO, XIAODA	
	Examiner Pranav V. Khatri	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 12-26 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14, 16-17, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLine (US Patent No. 6,540,193) in view of Stern (US Patent No 3,741,632) and in further view of Sharp (US Patent No. 4,244,548).

Regarding claims 12 and 23, DeLine discloses a mirror having one of a rectangular and an oval shape (see Fig 1), convex surface and a flat surface (Fig 1); plastic mount supporting the mirror (Col 12 Lines 48-52, Fig 10, Col 3 Lines 42-43, and Col 11 Lines 57-58), plastic mount having curving back exterior surface (as seen in Fig 11 numeral 510) and a mounting hole (510b) in a center of the back (510); an extension arm (514) comprising a first ball joint (514c) located first end of the extension arm (514), the first ball joint (514d) mounted in the mounting hole (510b) of the plastic mount (510). DeLine does not explicitly teach a mirror being one of shatterproof glass and a Plexiglas, the mirror finished with antiglare coating; a frictional board with a centrally-located ball pit, the frictional board located inside the plastic mount intermediate the plastic mount and the mirror; and an exterior accessible adjustment, extending through the plastic mount and acting in cooperation with the frictional board for adjusting a tightness of the first ball joint against the plastic mount; and extending through the

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plastic mount and into the frictional board, the adjustment part providing user-adjustment of tightness of the first ball joint against the plastic mount.

However, Stern teaches of a mirror being one of shatterproof glass and a Plexiglas (see Stern Col 2 Lines 11-13), the mirror finished with antiglare coating (see Stern Col 2 Lines 62-63). Further, Sharp teaches of a frictional board (see Sharp Fig 3 Numeral 50) with a centrally-located ball pit (34), the frictional board located inside the plastic mount intermediate the plastic mount and the mirror (as seen in Fig 1 of sharp); and an exterior accessible adjustment (see Fig 1 and 3, numeral 60), extending through the plastic mount (16) and acting in cooperation with the frictional board (50) for adjusting a tightness of the first ball joint against the plastic mount (Col 4 Lines 15-26); and extending through the plastic (16) mount and into the frictional board (50), the adjustment part providing user-adjustment of tightness of the first ball joint against the plastic mount (Col 4 Lines 15-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of a rearview mirror of DeLine with the a mirror of Stern and a mirror assembly of Sharp for the purpose of reducing unwanted glare and increasing the viewing area, and for the purpose of adjusting the tightness of the ball joint against the mount, and for adjusting the overall tightness or firmness of the mirror assembly.

Regarding claim 13, DeLine in view of Stern and in further view of Sharp discloses a mounting base (see Sharp Fig 1 Numeral 20) with a mounting surface (29) for detachably mounting (see Sharp Col 3 Lines 8-14) the mounting base (20) to a

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surface (vehicle body), the extension arm (31) connecting the mounting base (20) to the plastic mount (10).

Regarding claim 14, DeLine in view of Stern and in further view of Sharp discloses a ball joint box (see DeLine Fig 11 Numeral 516b) secured to the mounting base (516); and second ball joint (514b) located at second end of the extension arm (514), the second joint (514b) mounted within the joint box (516b), wherein, each end of the extension arm (514) provides a flexible adjustment point so that the mirror can be flexibly adjusted at either end of the extension arm (Col 13 Lines 3-8).

Regarding claims 16 and 17, DeLine in view of Stern and in further view of Sharp discloses a pad (see DeLine Fig 2, 16a with adhesive) of resilient material attached to a bottom of the mounting base, the pad allowing mounting of the mounting base by fitting to different shaped vehicle pillars (Col 4 Lines 48-51 and Lines 62-66), and further a double-stick foam adhered to a bottom of the pad (see DeLine Fig 2, 16a with adhesive), the double-stick foam allowing mounting the mounting base to a side pillar of a vehicle window frame (Col 4 Lines 48-51 and Lines 62-66).

Regarding claim 24, DeLine in view of Stern and in further view of Sharp discloses wherein the frictional board (see Sharp Fig 1 and 3) further comprises two planar surfaces (Numeral 50 extends on both sides of the ball pit) extending along a longitudinal length of the mirror on two sides of the ball pit.

Regarding claims 25 and 26, DeLine in view of Stern and in further view of Sharp discloses the claimed invention except for two screws for adjusting the friction applied against the first ball joint; and the frictional board with a centrally-located ball pit

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comprises a screw hole on each of two planar surfaces extending on the two sides of the ball pit, each screw hole securing one of the two screws, wherein, user-adjustment of the two screws adjusts the friction applied against the first ball joint. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have two screws, one on each side of the ball pit, for adjusting the friction applied against the first ball joint, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v Bemis Co.*, 193 USPQ 8.

Claims 15, 18, 19, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLine (US Patent No. 6,540,193) in view of Stern (US Patent No 3,741,632) and in further view of Sharp (US Patent No. 4,244,548) and in further view of Bury et al. (US Patent No. 3,928,894).

Regarding claim 15, DeLine in view of Stern and in further view of Sharp discloses the claimed invention as set forth above except lacks the teaching of a mounting box with a U-shaped top surface within the mounting base, the mounting box slidably accepting the ball joint box so that the ball joint box is slidably affixed within the mounting base against the U-shaped top surface.

However, Bury et al. teaches of a mounting box (see Bury et al. Fig 1 Numeral 10) with a U-shaped top surface within the mounting base (20), the mounting box (10) slidably accepting the ball joint box (20) so that the ball joint box (20) is slidably affixed within the mounting base against the U-shaped top surface (see Col 2 Lines 50-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of a rearview mirror of DeLine in view of Stern and in further view of Sharp with a mounting system of Bury et al. for the purpose of providing a portion of the assembly to be adhesively preassembled to the windshield and a second portion of the assembly to be removably associated with the first member (see Bury et al. Col 1 Lines 61-65).

Regarding claim 18, DeLine in view of Stern and in further view of Sharp and in further view of Bury et al. discloses wherein, the mounting base comprises (see Bury et al. Fig 1) i) a central piece of a protuberant (18), rectangular shape and with wedged-in edges along a major axis (as seen in Fig 1), and ii) a U-shaped mounting box (10) with wedged-in sides (15), the mounting box (10) slidably accepting the ball joint box (20) so joint box (20) slidably affixed within the mounting base against the U-shaped mounting box (see Col 2 Lines 50-60), the ball joint box glued into the mounting box (if the ball joint box is glued into the mounting box, the mounting box can no longer slide the box joint, and this is a contradiction), it is known in the art to use an adhesive to stick the joint box member and the mount box.

Regarding claim 19, DeLine in view of Stern and in further view of Sharp and in further view of Bury et al. discloses a mounting box (see Bury et al. Fig 1 numeral 10) comprising wedged-in edges on a major axis (as seen in Fig 1 numeral 18 or 15), the mounting box provided on a protuberant central piece of the mounting base.

Regarding claims 20 and 21, DeLine in view of Stern and in further view of Sharp and in further view of Bury et al. discloses the claimed invention except for four screws for adjusting the friction applied against the first and second ball joints; and wherein, the frictional board with a centrally-located ball pit comprises a screw hole on each of two sides of the ball pit, each screw securing one of the four screws, the ball joint box comprises a frictional board with a screw hole on each of two side the ball pit, the screw holes of the ball joint box frictional board each securing one of the four screws, wherein, user-adjustment of the screws adjusts the friction applied against the first and second ball joints. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have four screws, one on each side of both ball pits, for adjusting the friction applied against the first and second ball joints, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v Bemis Co.*, 193 USPQ 8.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLine (US Patent No. 6,540,193) in view of Stern (US Patent No 3,741,632) and in further view of Sharp (US Patent No. 4,244,548) and in further view of Manzoni (US Patent No. 4,558,840).

Regarding claim 22, DeLine in view of Stern and in further view of Sharp discloses the extension arm (see DeLine Fig 11, numeral 514) connecting the mounting base (516) to the plastic mount (510) except is silent about the teaching of a mounting base with a mounting surface for mounting the mounting base on either of a driver side and a passenger side pillar of a vehicle front window frame.

However, Manzoni teaches the mirrors assembly mounting base with a mounting surface for mounting the mounting base on either of a driver side and a passenger side pillar of a vehicle front window frame (see Manzoni Fig 1, Col 1 Lines 45-46 and Col 1 Line 65 –Col 2 Line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to mount the mirror to an appropriate frame or support member for the purpose of increasing the viewing angle.

Response to Arguments

Applicant's arguments with respect to claims 12-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pranav V. Khatri whose telephone number is 571-272-8311. The examiner can normally be reached on M-F, 8:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pranav Khatri
Examiner
10/07/2005



EUN-CHA P. CHERRY
PRIMARY EXAMINER